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ADOPTION OF THE DRAFT REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Colombia

1. The Committee considered the revised combined second and third periodic reports of Colombia (CEDAW/C/COL/2-3/Rev.1) at its 250th meeting, on 31 January 1994 (CEDAW/C/SR.250).

2. In presenting the report, the representative read out a letter from the President of Colombia addressed to the Chairperson of the Committee. In the letter the President reaffirmed the commitment of the Government to guaranteeing equal rights for women as spelled out in the Constitution of the country. That commitment had been demonstrated by the establishment of the Presidential Council for Youth, Women and the Family, by the adoption of an integrated policy for women and a development policy for rural women.

3. The representative focused on the achievements made by her country since 1987, the year of the presentation of the initial report. She said that the ratification of the Convention had been the result of pressure exercised by women's organizations, international groups and the nascent awareness of national institutions, in addition to events promoted by the United Nations within the framework of the United Nations Decade for Women. The creation of the Colombian Women's Integration Council in 1980 had marked a milestone in that

it recognized the necessity of creating a national mechanism for coordinating the various sectoral efforts to integrate women into their activities. Certain sectoral developments had been successfully initiated and had led to the creation, in 1990, of the CEDAW Coordination and Control Committee and to the establishment of the Presidential Council for Youth, Women and the Family.

4. In connection with the celebration of the International Year of the Family in 1994, the Government had paid attention to ensure that the achievements and the progress made, with regard to the status of women, would not be jeopardized by the general concept of the family. The rights of all family members had to be respected and it should be possible to reconcile individual projects with the family responsibilities. The subject of family violence would be a priority issue.

5. Regarding the preparations for the Fourth World Conference on Women, the representative said that the Presidential Council had been designated as focal point for the coordination and mobilization of governmental and non-governmental organizations and also for the preparation of the national report.

6. She assured the Committee members that their observations would be taken into account in the elaboration of future government policies and also for the subsequent report.

1. General observations

7. Members commended the Government of Colombia and the Colombian NGOs for the progress made in spite of the difficulties created by violence and the economic recession. Special mention was made of the 1991 Constitution, which recognized very extensive rights for women, and of the good representation of women in economic life, although their proportion in public representative institutions was still low. They welcomed the appointment of three female ministers. The members hoped for the enactment of a draft law that provided a guarantee for the appropriate and effective participation of women at decision-making levels of the public administration and encouraged political parties to present more female candidates for elections. Furthermore, they urged the Government, in implementing the Convention, to adopt programmes for rural women.

8. Members expressed appreciation for the message sent by the President and for the dense, self-critical and frank report, as well as for the extensive replies given. They commended the establishment of the Presidential Council for Youth, Women and the Family and hoped that the new administration would maintain its efforts for the advancement of women.

9. In reply to a question as to why the CEDAW Coordination and Control Committee had not functioned since its establishment, although it could have complemented the efforts of the Presidential Council, the representative said that, although the Committee's establishment had demonstrated the Government's intention to create a national coordination mechanism for women's questions, it could not fulfil its mandate because of its weak institutional structure. That was why the present administration had created the Presidential Council for Youth, Women and the Family.

10. Asked about the Council's budget and organizational structure and the coordination between it and other government departments dealing with women's programmes, the representative said that the Council was part of the administrative structure of the State. The Council depended upon the President and had to coordinate resources for projects and programmes that guaranteed the promotion of women and the rights of the elderly. It was also the focal point at the national and international levels for women and gender-related issues. For the first time, gender-related issues had been integrated into development. The Council's functions consisted in defining policies, providing technical guidelines for integrating them within the governmental bodies, developing methods for promoting social and economic programmes and coordinating activities with ministries, institutes, regional bodies and NGOs. In order to strengthen the Council, strategies were being developed to make it into a permanent institution that should survive a change in government. The Council also gave support to departmental and municipal women's offices in order to strengthen them to such an extent that they would survive a change in administration, not only because of their legal structure, but also because of their visibility.

11. The Council had been established by the President and currently had a staff of 50 persons. Its programme also included issues related to youth, the elderly, the handicapped and the family, as well as income-generating activities and its goal was to make women benefit from the development process. In addition, there was coordination with other sectors on subjects such as developing coeducational programmes and non-sexist curricula, health care for women, credit and training for women in micro-industries, and support for female heads of households. The Council had already been institutionalized to the extent that the current candidates for the presidential election were already considering different administrative structures for a National Women's Office.

12. The Council had its own budget, received in part from national allocation, in part from international cooperation agencies. Additional funds for special programmes came from ministries, decentralized institutes and regional and municipal institutions.

13. Members requested information concerning programmes and measures directed towards disabled women.

14. In additional comments, members noted that the Presidential Council should be strengthened and hoped that the institution would be maintained even if the government changed. They also asked what the greatest achievements of the Presidential Council had been. Furthermore, they inquired about the impact of guerilla warfare and drug trafficking on the lives of urban and rural women.

2. Questions related to specific articles

Article 2

15. The representative highlighted the most important provisions of the Constitution, which had entered into force in 1991 and in which the principle of gender equality was enshrined. The provisions of the Convention had been incorporated in national legislation.

16. Other new laws that contributed to the equality of women and men were the Social Security Law, the General Education Law and the law that allowed divorce and gave support to the single female heads of household. Currently, a draft law concerning sexual violence, sexual harassment and the participation of women in public administration were being discussed.

Article 3

17. Among institutions dealing with the advancement of women, the representative mentioned the Presidential Council for Youth, Women and the Family, the Office for Rural Women and 11 departmental and municipal women's offices and sectorial programmes.

Article 5

18. The representative said that, in the mass media, as well as in formal education, traditional stereotypical gender roles still tended to be reproduced and maternity and reproductive activities remained the primary responsibility of women.

19. Asked for additional information regarding violence against women, the representative said that, in comparison with the importance of that problem, the services available to female victims were still scarce. Statistics and studies were insufficient and based on partial data, yet the available information was alarming. According to a recent study, 65 per cent of women who were either married or lived in consensual unions stated that they had had a violent fight with their partner. One in 5 women said that they had been beaten and 1 in 10 declared that she had been forced into sexual relations. The current legislation did not cover that offence, nor were there sanctions for violence against women. As the Constitution made specific reference to marital violence, efforts were under way to adopt appropriate legal norms to penalize violence against women.

20. Regarding the question as to whether female victims of violence were given legal advice free of charge, the representative mentioned the family commissions that had been created in 1989 to prevent such violence and to give assistance free of charge to women who had become victims. Currently, there were about 100 commissions, which received special support from the Government. They were municipal police-type bodies that undertook emergency measures until the cases were dealt with by the appropriate judicial or administrative authorities. However, because of budgetary limitations and lack of awareness about the issue, not all municipalities had set up such commissions.

21. Regarding the availability of those Commissions in rural areas the representative said that they did not yet exist in all rural areas. Efforts were under way to establish more family commissions in order to establish a nationwide network and to provide the necessary training to the officers and to extend the free legal advice services throughout the country.

22. With regard to the question about special training for the officers working in family commissions, the representative said that, although there was not yet any systematic training programme, some progress had been made and training

workshops and programmes were being organized for judicial personnel who had to deal with female victims of violence as well as for the officers of the family commissions.

23. Regarding a question about shelters for female victims of violence, the representative said that there were only a few, which were run by NGOs.

24. In additional comments, members commended the efforts undertaken for obtaining more accurate data on violence against women. They noted that no mention had been made of measures to eliminate the root causes of violence. They said that one of the most important measures was the education of the entire society. They expressed the hope that the question of violence would also be dealt with in subsequent reports.

Article 6

25. Regarding prostitution, the representative said that the invisibility of the problem and insensitivity to it hampered implementation of the relevant provisions of the Convention. It was still felt that was a problem of private morals and not an ethical problem in a society that pretended to be a developed democracy.

26. In reply to the question as to whether HIV/AIDS prevention and treatment programmes were targeted at women engaged in prostitution, the representative said that since 1992, the Ministry of Health was training prostitutes in the prevention of HIV/AIDS and in the use of condoms. Those training programmes were confined to the main cities. The prevention of HIV/AIDS through screening programmes was also difficult because of the high cost involved. Apart from some big cities, there were generally as yet no services specifically for the care of women prostitutes who were affected by HIV/AIDS. In December, the Institute of Family Welfare had started an ambitious programme for preventive and health care for girls who were at risk of becoming prostitutes.

27. Members requested that subsequent reports contained further information concerning prostitution. They also said that particular attention should be paid to the phenomenon of increased street prostitution. They expressed concern that only rape of minors below the age of 14 was penalized, considering that aged and disabled women were equally vulnerable.

Article 7

28. The representative said that no legal measures discriminated against women as regards political participation. However, although they had increased their participation, statistics showed that in practice women had not reached the highest levels equitably and continuously. Whereas more women could be found in leading positions in trade unions in the public sector, their number was much smaller in the private sector. The representative also highlighted the information given in the report regarding the role of women in community organizations, political parties and the cooperative movement. She said that 180 NGOs dedicated their activities in 1993 to the promotion of women.

29. Members noted that the statement in the report that women were "not yet organized in sufficient strength to constitute a pressure group" was not valid. Women could not wait to be organized, they ought to take action in all fields in order to achieve greater participation in decision-making. They also asked whether any initiative was taken to promote the participation of women in political life through increasing their numbers in political parties or on candidates' lists.

Article 8

30. The representative stated that currently the Minister for Foreign Affairs was a woman and that 10 per cent of all ambassadors were women.

Article 10

31. The representative said that measures had been undertaken to improve and promote the concept of equality through the production of non-sexist school texts. Women represented between 49 and 52 per cent of the school enrolment figures from primary to university education and there was a marked trend in favour of coeducation. While considerably more women had taken up courses in administration, economics, engineering, law and agronomy, women were still concentrated in traditional areas.

32. Referring to questions as to whether the draft General Education Law had been adopted, whether it contained specific measures to combat discrimination against female students and positive measures to counter traditional stereotypes, the representative said that the law had been adopted in December 1993. It did not contain affirmative measures or provisions specifically addressed to women, except those regarding the modification of school textbooks.

33. Members requested further information on the participation of women in the various fields in which educational training was provided.

34. In additional comments, members requested further information about provisions dealing with non-sexist education and were concerned that the Government did not devote more attention to the issue of education.

Article 11

35. The representative mentioned a law for the support of women heads of household that had been adopted in December 1993, which gave female heads of households a right to social security, preferential access to education, employment, credit, micro-enterprises and low-cost housing. That law was the first example of affirmative action in Colombia.

36. In reply to questions as to whether measures had been undertaken for the welfare and labour rights of women working in the informal sector and whether the draft law on social security that had been mentioned in the report had been adopted, the representative said that in December 1993, Law 100, which had created the basis for the integrated social security system, had been adopted. According to that law, social security was no longer the sole responsibility of

the State. For old age and invalidity pensions, persons could choose between the social security scheme that was maintained by the State and another one that was financed from pension funds in the private sector. Over a span of seven years, the entire population, including people who could not pay the premiums, should be covered by a health insurance scheme. The contributions of the poorest and most vulnerable persons in rural and urban areas would be subsidized and special attention would be given to, among others, women during and after pregnancy, lactating mothers, women heads of household and workers in the informal sector.

37. Regarding questions as to whether the current laws were being enforced, and by what means, and whether labour inspectors dealt with failures to comply with the law, the representative said that the Ministry of Labour and Social Security had the authority to supervise the application of the laws through its Division for Special Relations. It was currently doing research on discrimination against women in the field of employment. The results of the study would be used to initiate training and consciousness-raising of labour inspectors in that field.

38. Asked whether legal counsel and legal defence services were available to women free of charge, the representative responded that free legal counsel on labour matters was available to the vulnerable sections of the population, such as working children, women, indigenous women and disabled persons. In general, however, women were inadequately informed about their labour rights and the services that were available free of charge.

39. Regarding further details about women's participation in the labour market, the increase in the economically active female population, the occupational categories, wage differences, women's employment in the informal sector and the increase in the number of women heads of household, the representative referred members to a 1993 document entitled "Latin American women in figures" that had been handed out during the meeting. Women's integration into the labour market had been much faster than men's, but at the same time women had to face many adverse factors, such as their concentration in the informal sector with its precarious social security and legal protection, the higher rate of unemployment and the poverty that affected women heads of households to a greater extent.

40. In additional comments, members congratulated the Government for all the efforts undertaken and asked for the percentage of women heads of households.

Article 12

41. In reply to a question about plans to amend the existing laws governing the voluntary termination of pregnancies, the representative said that abortion was still illegal. The last attempt to legalize abortion had been made in 1993, but the draft law had to be set aside because of the strong opposition from members of Congress.

42. Regarding a question about any campaigns to promote the use of condoms in order to reduce the spread of HIV/AIDS, the representative said that, in spite of massive resistance from religious groups, the Ministry of Health had managed to set aside important resources for an intensive media campaign to promote

their use. None the less, widespread distribution of condoms had not been achieved.

43. In additional comments, members said that women in Colombia should fight for the legalization of abortion not in order to reduce births, but in order to protect women from illegal abortions, which resulted in maternal mortality. They said that the problems associated with abortion had not been helped by the Government's family planning media campaigns and programmes.

Article 13

44. The representative made special reference to the newly adopted Law on Social Security and Pensions, which contained, inter alia, the obligation to organize special information and education programmes for women in the fields of integrated health and sex education in less developed parts of the country, especially for the rural population and the young.

Article 14

45. The representative supplemented the information contained in the report by mentioning a policy document for rural women, which contained general objectives and basic strategies for rural women and which had been approved in the latter part of 1993. Its purpose was to better the quality of life of rural women by giving them equal opportunities for taking part in the sectoral strategies, in political life, better access to productive resources and by increasing their revenues. The national machinery for rural women should also be strengthened.

46. In additional comments, members observed that regulations and laws were needed to govern the labour practices of flower producers.

Article 15

47. Although women had full equality before the law as spelled out in the Constitution, that principle had not been translated into full de facto equality. The major obstacles were insufficient information of many women about their rights and about the legislative machinery that was available to them for making them effective. In order to overcome that obstacle, the Presidential Council would, in the course of the International Year of the Family, disseminate widely information about fundamental family rights, and in particular of the rights of women.

Article 16

48. The representative pointed out two major innovations: a decision of the Constitutional Court in 1992, according to which domestic labour was recognized as a contribution to the assets of the couple in a de facto union; and a law adopted in 1992 according to which divorce was permitted for all marriages, including marriages in the Roman Catholic Church.